

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

RONNIE WILLIAM WOMACK, :
Plaintiff, : CIVIL ACTION NO.
v. : 2:04-CV-0028-RWS
CITY OF GAINESVILLE POLICE :
DEPARTMENT et al., :
Defendants. :

ORDER

Now before the Court are Defendant Hewett's Motion for Summary Judgment [62]; Defendants Martin, Parrish, Von Essen, Robertson, Wall, King, Canup, White, and Corn's Motion for Summary Judgment [65]; and Defendant Cannon's Motion for Summary Judgment [66]. Each of these Motions is unopposed.

Summary judgment is appropriate only when the pleadings, depositions, and affidavits submitted by the parties show that no genuine issue of material

fact exists and that the movant is entitled to judgment as a matter of law. FED. R. CIV. P. 56(c). The court should view the evidence and any inferences that may be drawn in the light most favorable to the non-movant. Adickes v. S.H. Kress & Co., 398 U.S. 144, 158-59, 90 S. Ct. 1598, 26 L. Ed. 2d 142 (1970). The party seeking summary judgment must first identify grounds that show the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323-24, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986). The burden then shifts to the non-movant, who must go beyond the pleadings and present affirmative evidence to show that a genuine issue of material fact does exist. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 257, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986).

Even where a motion for summary judgment is unopposed, the movant must nevertheless show it is entitled to judgment on the merits, based on evidentiary materials in the record. See Dunlap v. Transam. Occidental Life Ins. Co., 858 F.2d 629, 632 (11th Cir. 1988) (district court did not err in treating motion for summary judgment as unopposed where it considered the merits of

the motion). The district court “need not *sua sponte* review all of the evidentiary materials on file at the time the motion is granted,” but it must at least review all those submitted in support of the summary judgment motion. United States v. 5800 S.W. 74th Ave., 363 F.3d 1099, 1101 (11th Cir. 2004). A district court’s order granting an unopposed motion for summary judgment must indicate that the merits were considered. Id. at 1102.

The Court has reviewed the record in this case, including the evidence submitted in support of Defendants’ Motions for Summary Judgment and the authorities cited in Defendants’ briefs. That review convinces the Court that Defendants are entitled to judgment as a matter of law on each of Plaintiff’s claims. Accordingly, Defendants’ Motions for Summary Judgment [62, 65, 66] are hereby **GRANTED**. The Clerk is **DIRECTED** to enter judgment in favor of Defendants and close this case.

SO ORDERED this 6th day of June, 2007.



RICHARD W. STORY
UNITED STATES DISTRICT JUDGE